



## In the United States Patent and Trademark Office

**In re application:** Bioadhesive Pharmaceutical  
Compositions

**Art Unit:** 1623

**Application No.:** 10/760,970

**Examiner Name:** Michael C. Henry

**Filed:** 01/20/2004

**Docket No.:** Barbeau 012004

**Inventor Name:** Donald L. Barbeau

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### Amendment after First Detailed Office Action

Dear Sir:

This letter is in response to an Office Action dated August 24, 2004 from Examiner Henry relating to the above-identified patent application (extension of time requested). Claims 65-77, all of the elected claims pending in this application, have been rejected either under 35USC101 or objected to because of informalities.

The Examiner has rejected Claims 65-68 as claiming the same invention as that of Claim 31 of prior U.S. Patent No. 6,699,841 B1 based upon 35USC101 (statutory type double patenting). In response to the Examiner's rejections, Applicant has cancelled Claims 65-68 and replaced them with new Claims 78-87 to overcome the statutory type double patenting rejection.

The Examiner has objected to Claims 70 and 74 because these Claims do not end in a period. Applicant has amended Claims 70 and 74 to correct these informalities.

In addition Applicant is filing a terminal disclaimer in compliance with 37CFR 1.32 (C) to overcome the nonstatutory double patenting ground of rejection. Applicant submits that the above-identified application and U.S. Patent No. 6,699,841 B1 are commonly owned by Applicant, the sole inventor.

Applicant has attached a copy of the Form PTO-1448 to provide the identity of prior art cited in applicant's corresponding international application (PCT/US04/01536).

In view of these changes, Applicant respectfully submits reconsideration and allowance of this application.